

Michael Weisberg
and
Harold H. Weisberg

attorneys at law

2463 Broadway, New York, N.Y. 10025

(212) 787-7760

fax (212) 787-6237

MEMO ENDORSED

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VIA FACIMILE TO: 212-805-7906

Honorable Denny Chin
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

CELESTE J. MATTINA, et al. vs.
SAIGON GRILL GOURMENT RESTAURNT, INC. et al.
Case No. 08 CV 03332

Dear Hon. Judge Chin:

The undersigned is a member of the firm of Weisberg & Weisberg, Esqs. My partner S. Michael Weisberg, is handling the above matter. On April 11, 2008 S. Michael Weisberg, left on vacation as he was ill and could no longer work. In fact, on April 18, 2008, he was admitted to a hospital in Florida and he is still in the hospital in intensive care. Prior to his leaving he dictated an Affirmation and Opposition to Plaintiff's Petition and requested that I edit same and see that it is submitted to the Court and to Plaintiff's Counsel. Unfortunately, he did not tell me or our secretary that the response was due by April 18, 2008.

I received a telephone call from Jamie Rucker, Esq., Counsel of the Petitioner at 5:00 pm on April 18, 2008 requesting the status of the Defendant's response and advising that it was due that day, April 18, 2008. I explained to him the situation and he advised that he would not consent to an extension of time to file the response as he felt that we lacked good cause for same.

This is a two man office and I was tied up on a trial for five weeks that did not end until April 8, 2008. S. Michael Weisberg, had the burden of covering the office all by himself during that period of time and due to the fact that he is 78 years old, this was a strain on his health and he became ill.

However, he did complete the Affirmation in Opposition prior to going on the vacation required by his health condition.

I myself became very overwhelmed last week with work and was unable to revise his Affirmation. I requested of Mr. Rucker an extension of time to file the response and would naturally consent to an extension of his time to respond, but he refused.

In the interest of Justice and to prevent an injustice to the Defendant due to the poor health of S. Michael Weisberg, I am respectfully requesting permission to file the Affirmation in response to the Petition Electronically today by 5:00 pm with a paper copy to be delivered to your Honors office on Tuesday, April 22, 2008.

There has been no previous request for an extension of time to file the response to the Petition.

Very truly yours,

Harold H. Weisberg
Harold H. Weisberg

HHW/ln

Cc: VIA FACSIMILE TO: 212-264-2450
Jamie Rucker, Esq.
Counsel for the General Counsel
26 Federal Plaza, Room 2614
New York, N.Y. 10278

Plaintiffs' time
to reply is
also extended
by one business
day.

Approved. →
SO ORDERED.

[Signature]
WPS
4/21/08